



1521 New Hampshire Avenue, N.W.
Washington, DC 20036
(202) 745-7805 • FAX (202) 483-4040
www.cotton.org

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U.S. Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

**RE: Docket No. EPA-HQ-OPP-2014-0195
Proposed Registration of Enlist Duo™ Herbicide**

The National Cotton Council (NCC) appreciates the opportunity to comment on the proposed registration of Enlist Duo™ herbicide. The NCC supports the registration of Enlist Duo as an additional tool needed to manage difficult weed populations. We recognize the proposed registration is for use in controlling weeds in corn and soybeans genetically engineered (GE) to be 2, 4 -D and glyphosate tolerant. Additionally, the NCC recognizes the proposed registration does not include southern states where corn, cotton, and soybeans are grown in rotation. However, we also understand that future petitions will include cotton and southern states and that precedent set in this proposed registration will likely impact subsequent registration requests.

The NCC is the central organization of the U.S. cotton industry representing producers, ginner, merchants, cooperatives, textile manufacturers, and cottonseed processors and merchandisers in 17 states stretching from California to the Carolinas. The NCC represents producers who historically cultivate between 10 and 14 million acres of cotton. Annual cotton production, averaging approximately 20 million 480-lb bales, is valued at more than \$5 billion at the farm gate. While a majority of the industry is concentrated in the 17 cotton-producing states, the down-stream manufacturers of cotton apparel and home-furnishings are located in virtually every state. The industry and its suppliers, together with the cotton product manufacturers, account for more than 230,000 jobs in the U.S. In addition to the cotton fiber, cottonseed products are used for livestock feed and cotton-seed oil is used for food products ranging from margarine to salad dressing. Taken collectively, the annual economic activity generated by cotton and its products in the U.S. economy is estimated to be in excess of \$120 billion.

The NCC has grave concerns over some aspects of the proposed registration. We were surprised to learn that the proposed registration excludes southern states. Some of these states are experiencing intense challenges with weed control, particularly with the evolution

of glyphosate and ALS resistant pigweed, and are seeking additional weed control tools for inclusion in their management plans. The proposed registration provides a weed management advantage to only six states; all other states will continue to have a limited number of herbicide modes of action (MOA). The few MOAs limits producers' abilities to rotate MOAs in the farm's weed management operation and creates additional risk of resistant weeds.

The proposed registration contains terms in the "Stewardship Program" section that mandates particular "best management practices" (BMPs) for herbicide resistance management. The NCC opposes mandatory weed resistance management and encourages EPA to provide these practices as guidelines. Farmers need flexibility to manage their operations, including weed management strategies. The weed management programs vary among farms, states, and regions. Environmental factors such as rainfall, temperature, and soil type and seed bank create very different needs for different fields. Mandates restrict a producer's flexibility to evaluate and address individual field weed management needs.

The NCC encourages EPA to address the stewardship section according to Herbicide Resistance Recommendations (PRN-2001-5). The NCC has been actively engaged in educational effort to increase producer awareness and knowledge of BMPs for weed resistance management. We continue to focus on weed resistance management education at grower conferences and through DVDs. The NCC provided support to the National Research Council's National Summit on Strategies to Manage Herbicide-Resistant Weeds and supports the BMPs developed by the Weed Science Society. The NCC believes stewardship information provided on a label as non-mandated guidance provides more useful information at the field level while mandates limit flexibility and reduces weed management practices consistent with IPM.

The NCC believes that the proposed label, interpreted as mandatory Herbicide Resistance Management (Pages 9 and 10), creates an impractical policy of no weed left in the field regardless of economic importance. Even the most diligent producer will be unable to comply with the proposed label requirements.

Specifically, Page 10 of the proposed label under Crop Selection and Cultural Practices contains multiple points of concern as follows:

- Bullet #2 will put all users out of label compliance. In an herbicide application, there will always be some surviving weeds for various reasons. Herbicides seldom, if ever, achieve 100% control. Of course, those plants will already have roots and, therefore, the user is in label violation.
- Bullet #3 requires the thorough cleaning of plant residues from equipment before leaving fields suspected to contain herbicide resistant weeds but does not clarify for which

herbicide resistance to monitor. Resistance has evolved for many herbicide chemistries over the years, so most fields have resistant weeds of some sort.

- Bullet #4 requires pre-scouting fields to “ensure” herbicide and rate is “appropriate” for weed species and size. If some plants are too tall, then, are you in violation of the label? If some weeds are not on the label of weeds this product controls, then, is it a violation to use the product?
- Bullet #5 requires post-scouting of field “to detect weed escapes or shifts in weed species.”
- Bullet #6 suggests that the field must be absolutely weed-free or the user is in violation of the label.
- Bullet #7 would require a user to report any non-performance to Dow AgroSciences. This requirement seems to conflict with the requirements in Bullets #5 and 6 which mandates that escapes be found and destroyed.

The NCC understands and appreciates the value of these practices for resistance management. However, we urge EPA to consider the feasibility and practicality of these practices, and that the inclusion of such mandatory practices creates unintended label violations. The NCC encourages EPA to provide these practices according to PRN 2001-5.

The NCC expresses additional concern with EPA’s identification of nozzle use. We would encourage EPA to consider language reflecting the minimum performance desired that would allow incorporation of improved technology as it is developed.

Again, the NCC appreciates the opportunity to provide these comments in support of the registration of Enlist Duo. Thank you for your consideration of our concerns and requests.

Respectfully submitted,



E. Keith Menchey
Manager, Science & Environmental Issues